

The Honorable Robert S Lasnik

JAMES MCDONALD
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In Pro Per

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In Re:) NO.: C10-1952RSL

JAMES MCDONALD
v
ONEWEST BANK, FS

Plaintiff

**ONEWEST BANK, FSB, et al.,
Defendants.**

Declaration and Certification of James McDonald in support of Plaintiff's Motion to Compel to Produce

James McDonald declares as follows:

1. I am the Plaintiff in the above listed action and am representing myself as *pro se*. I am competent to testify in the above-titled action and have personal knowledge of the matters referred herein.
 2. On March 21st, 2011 I had a telephonic meeting with defense counsel Heidi Buck to set forth the terms and conditions of our Joint Status Report. Miss Buck made no reference to having concerns about the items I had previously requested. Miss Buck agreed that there was no need to limit discovery and she agreed to act reasonably, cooperate and act in good faith with me during the process.
 3. On March 23rd, 2011 I telephoned Miss Buck to request her assistance in a manner related to the case and to discuss the discovery process. An agent of Defendant OneWest, possibly from FEI which Miss Buck's boss also owns, endangered 3 children with his reckless driving while on his way to my residence to post the monthly notice and inspection that I am still occupying the residence. When their father asked him to slow down, he became verbally abusive. I requested Miss Buck to call me right away to make certain this person did not endanger or terrorize other people as in my opinion it was unacceptable. **Miss Buck did not return my call.**

- 1 4. On March 23rd, 2011 I followed up my voicemail with an e-mail to Miss Buck. It is attached to
2 the Reply to Defendants Response to Motion to Compel as Exhibit 1. **Miss Buck did not**
3 **respond.**
- 4 5. On April 4th, 2011 I served upon Miss Buck and her paralegal my First Request to Produce. I
5 waited 30 days as I am supposed to have done. **Miss Buck did not respond.** There was no
6 dispute to attempt to work out. I cannot force Miss Buck to cooperate as she agreed to without
7 the assistance of the Court. The defense did not object to the request, did not refuse the
8 request, they simply **ignored the request.** As shown above this was the third attempt to
9 communicate with Miss Buck that she ignored. In my opinion, Miss Buck never intended to
10 honor the agreement she made with me and the Court as she filed the Motion for Summary
11 Judgment less than a week after saying she'd cooperate with discovery, then followed it up by
12 ignoring my request to produce and filing a motion for protection soon after the 30 days were
13 up.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true
and correct.

Dated: May 26, 2011

14 /s/ James McDonald -
15 James McDonald
16 Pro Se